

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CHEYENNE PATE, #773478 §

VS. § **CIVIL ACTION NO. 5:13cv11**

DAWN E. GROUNDS, ET AL. §

ORDER OF DISMISSAL

Plaintiff Cheyenne Pate, an inmate confined at the Telford Unit of the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil lawsuit. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation finding that the lawsuit should be dismissed because Pate failed to comply with an order to either pay the filing fee of \$350 or submit an application to proceed *in forma pauperis*. Pate filed objections, which included claims that prison officials have tampered with his incoming and outgoing mail. He was thus given more time to comply with the order to either pay the filing fee of \$350 or submit an application to proceed *in forma pauperis*. The Court received an acknowledgment from him indicating that he received the order giving him more time on April 11, 2013. As of today, however, he still has not complied with the order nor otherwise been in contact with the Court.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Pate to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections raised by Pate are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #4) is **ADOPTED**. It is further

ORDERED that the civil rights complaint is **DISMISSED** without prejudice for failure to obey an order and want of prosecution. Fed. R. Civ. P. 41(b). It is further

ORDERED that all motions not previously ruled on are **DENIED**.

It is SO ORDERED.

SIGNED this 30th day of April, 2013.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE